IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

WP(C).No. 31237 of 2007(R)

PETITIONER:

SIDDIQUE KANNACHEMTHODI,
S/O.MOHAMMED, KANNACHEMTHODI HOUSE,
CHENAKKALANGADI, THENJIPALAM, MALAPPURAM.

BY ADV. SRI.P.SANJAY
SRI.A.PARVATHI MENON

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY**
   CHIEF SECRETARY TO GOVERNMENT, SECRETARIAT,
   TRIVANDRUM.

2. **THE DISTRICT COLLECTOR,**
   MALAPPURAM.

3. **TAHASILDAR, THIROORANGADI TALUK,**
   MALAPPURAM DISTRICT.

4. **SUB INSPECTOR OF POLICE, THENHIPALAM.**

BY GOVT. PLEADER, SRI.M.R. SABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO.31237 OF 2007 R
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Dated this the 7th day of November, 2007

J U D G M E N T

Ext.P4 order passed by the District Collector is under challenge. By the said order, the jeep belonging to the petitioner has been seized on the basis that the petitioner has collected river sand from the Kadavu. On this basis, petitioner has been found to have violated the provisions of the Protection of River Banks and Regulation of Removal of Sand Act and Rules, 2001 and Rs.50,000/- each is ordered to be paid towards the value and fine.

2. Since the petitioner made assertion before this Court that he did not state that he had collected the sand as recorded in Ext.P4, I had directed the learned Government pleader to make available the files. On going through the file, I notice that in the statement given by the petitioner on 28/9/07, he has only stated that he had purchased five baskets of river sand and has not stated that he had collected the sand from the kadavu as mentioned in Ext.P4. If that be so, the very basis on which the proceedings have been initiated against the petitioner is unsustainable. Accordingly Ext.P4 and all further proceedings will

stand quashed. The jeep bearing No. KL 10 L 1317, shall be released to the petitioner on receipt of a copy of this judgment.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp